

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GERALD SPENCE,

Plaintiff, 2:05-cv-0690-GEB-KJM-P

vs.

DIRECTOR OF CORRECTIONS, et al.,

Defendants. ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On January 8, 2007, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice to the parties that any objections to the findings and recommendations were to be filed within twenty days. Neither side has filed objections to the findings and recommendations.

Although it appears from the file that plaintiff's copy of the findings and recommendations was returned, plaintiff was properly served. It is the plaintiff's responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 83-182(f), service of documents at the record address of the party is fully effective.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed January 8, 2007, are adopted in full;
2. Defendants' June 1, 2006 motion to dismiss for failure to exhaust administrative remedies is denied; and
3. Defendants' June 1, 2006 motion to dismiss for failure to state a claim with regard to the First Amendment retaliation claims against defendants Doyle and Unterreiner are granted, and the case proceed on the remaining claims against defendants Peddicord, Lynn, Fleming, Urquiza, Madrigal, Hamilton, Salenger and Fleischman.

Dated: March 6, 2007

  
GARLAND E. BURRELL, JR.  
United States District Judge